IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 19264 of 2007(R)

PETITIONER:

VASUDEVAN, S/O.SANKARAN, CHAITHANYA,
NEDUVATHOOR, KOTTARAKKARA, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, KOLLAM DISTRICT.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KERALA STATE ELECTRICITY BOARD,
KOTTARAKKARA, KOLLAM DISTRICT.

3. SRI.VAMADEVAN, S/O.PARAMU, SUNDARA
BHAVANAM, NEELESWARAM P.O., NEDUVATHOOR,
KOTTARAKKARA, KOLLAM DISTRICT.

BY ADV. SHRI.P.P.THAJUDEEN, SC
ADV. SMT.N.SUDHADEVI, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 19264 of 2007

Dated, this the 5th day of July, 2007

J U D G M E N T

Petitioner is challenging Ext.P4 order, whereunder ADM has approved drawl of electric line over petitioner's property. The line approved is of 25 meters of overhead line and 16 meters of weather proof cable, whereas the alternate route suggested by the petitioner is of 150 meters of overhead line over the property of several persons and balance weather proof line, is the contention raised by the KSEB. The line obviously should be shortest causing least inconvenience to least number of land owners. Going by the facts stated by the learned Standing Counsel after getting instructions, the alternate route suggested by the petitioner cannot be accepted. In any case, if petitioner suggests a shorter route than the approved route, which is less expensive than the approved route, and gets consent from the land owners over whose property such line is passing, then there will be direction to the 1st respondent to order shifting of line, on petitioner submitting an application for shifting along with the consent, that too, after getting feasibility report from the KSEB. KSEB is directed to give connection to the beneficiary through the approved route and shifting should be

considered if petitioner satisfies the above conditions. If application for shifting is filed before the 1st respondent along with the consent letters from the land owners, the same should be disposed of by the first respondent within six weeks from the date of filing it. Further I make it clear that the right over pathway claimed by the petitioner or any land owner is not affected by drawing of electric line over the same and if at all possible, electric line should be drawn through road side and over pathway.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg